

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE,)	Docket No. 19
)	
RED LAKE BAND, et al.,)	Docket No. 189-A
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

UPON CONSIDERATION of plaintiffs' motion for oral argument and determination of legal issues filed on April 19, 1971, and defendant's opposition thereto; plaintiffs' memorandum of legal issues filed December 10, 1969, defendant's memorandum of legal issues filed in response thereto on January 7, 1971, and plaintiffs' replies thereto; plaintiffs' exceptions to defendant's accounting report, defendant's responses thereto and plaintiffs' replies; the arguments made at the oral argument held on December 14, 1971; and for the reasons set forth in the opinion of the Commission filed herein and which is hereby made a part of this order;

The Commission concludes as a matter of law, that:

Exceptions 14, 15, 16, and 27: The claims asserted under these exceptions are barred by the doctrine of res judicata having been previously adjudicated by the Court of Claims in Chippewa Indians v. United States, 87 Ct. Cl. 1 (1938), aff'd 305 U.S. 479 (1938).

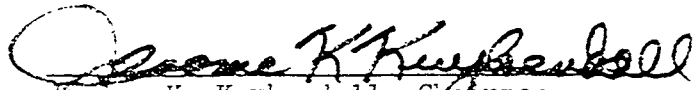
Exceptions 18 - 23: The Free Homestead Act of 1900 did not constitute a Fifth Amendment taking of plaintiffs' lands.


IT IS ORDERED that Dockets 19 and 189-A be consolidated for all purposes.


IT IS FURTHER ORDERED that the claims under exceptions 14, 15, 16 and 27 be, and the same are hereby, dismissed.


IT IS FURTHER ORDERED that the remaining claims proceed for a determination of all issues.

Dated at Washington, D. C., this 29th day of November, 1972.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner